

## **REAL ESTATE COMMISSION MEETING**

Heber M. Wells Building

Room 210

9:00 a.m.

October 21, 2015

### **MINUTES**

#### **DIVISION STAFF PRESENT:**

Jonathan Stewart, Division Director  
Mark Fagergren, Education and Licensing Director  
Jeffery Nielsen, Chief Investigator  
Gregory Soderberg, Administrative Law Judge  
Judith Jensen, Assistant Attorney General  
Amber Nielsen, Acting Board Secretary  
Mark Schaerrer, Investigator  
Van Kagie, Investigator  
Kadee Wright, Investigator  
Jennica Gruver, Real Estate Education Coordinator

#### **COMMISSION MEMBERS PRESENT:**

Russell K. Booth, Chair  
Lerron E. Little, Vice Chair  
Lori Chapman, Commissioner  
Calvin R. Musselman, Commissioner

#### **GUESTS:**

Brian Swan	Trevor Everett
Dan Naylor	Peter Christensen
Tammy Lund	Susan Aguilar
Shane Norris	Kevin Swenson

Commissioner William O. Perry, IV is excused from today's meeting.

The October 21, 2015 meeting of the Utah Real Estate Commission began at 8:59 a.m. with Chair Booth conducting.

#### **PLANNING AND ADMINISTRATIVE MATTERS**

Approval of Minutes - A motion was made and seconded to approve the written minutes from the September 16, 2015 meeting of the Commission. Vote: Chair Booth, yes; Vice Chair Little, yes; Commission Chapman, yes; Commissioner Musselman, yes. Motion was approved.

There is no public comment.

## **DIVISION REPORTS**

### **DIRECTOR'S REPORT – Jonathan Stewart**

Director Stewart excused Justin Barney who is not in attendance for today's meeting. Director Stewart reported Mr. Barney had finished the initial draft of the Bill for the Executive Session. Director Stewart is hopeful the Division will be able to share the language with the Commission next month.

Director Stewart reported the current rule filing is out for public comment. The public comment period runs through December 1, 2015. This rule deals with the experience points to become a broker. The earliest effective date for this rule is December 8, 2015. At this point, no public comments have been received.

Director Stewart presented a proposed rule amendment. The rule proposes that in the event an inducement is offered, notification to the broker should be in writing; and the written notice should be given prior to the distribution of the inducement. Director Stewart presented a second rule amendment. This amendment would replace a rule which was erroneously removed when the rules were amended for a renumbering.

The rule regarding inducements was discussed at length. The Commission requested the rule be discussed more fully next month.

### **ENFORCEMENT REPORT – Jeffery Nielsen**

Mr. Nielsen reported in the month of September the Division received 38 complaints; opened 31 cases; closed 29 cases; leaving 255 open cases. There are 72 cases assigned to the AG's office.

#### Stipulation for Review

Jennifer A. Gilchrist  
Casey C. Williams  
Micah W. Pearson  
Steven G. Harrington  
William A. Ford

### **EDUCATION AND LICENSING REPORT – Mark Fagergren**

#### Stipulation for Review

Lindsay Nicole Case

Mr. Fagergren presented the Impediment Renewal application of Michael Sorenson for consideration by the Commission.

Mr. Fagergren reported the Real Estate stats have grown.

Mr. Fagergren presented the Pierre Alley letter for discussion regarding an expert teaching pre-licensing education. The current rule allows for twenty percent of the education to be taught by an expert. Mr. Fagergren believes this twenty percent rule already satisfies Mr. Alley's concerns and that no change is necessary.

Mr. Fagergren reported the Instructor Development Workshop was a great success. Mr. Fagergren wanted to thank Chair Booth and Commission Musselman for participating in the IDW.

Mr. Fagergren reported on some items from the ARELLO Conference from a few months ago. The CFPB spoke about the Real Estate Professionals Guide, this is a useful tool for real estate practitioners. There is also a Home Buyers Toolkit that you can put your company logo on and give to your clients which explains the home buying experience to customers.

Mr. Fagergren announced the Division will now be able to send notifications out to brokers each month. This courtesy notice will show brokers all the agents in their company and will highlight all agents who will expire within the next 45 days. The Division anticipates this program will start being sent in December.

Michael Sorenson spoke to the Commission on his own behalf regarding his Impediment Renewal Application.

Commissioner Chapman asked for clarification regarding the CFPB Home Buyer's Toolkit.

A brief recess was held from 9:56 a.m. to 10:06 a.m.

## **INFORMAL HEARING**

10:06 a.m. Melissa Bennion, Real Estate Sales Agent Applicant

A brief recess was held from 11:03 a.m. to 11:04 a.m.

Mr. Nielsen presented one more stipulation for review.

Stipulation for Review  
Catherine Ockey

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Musselman, yes. The motion carries.

### **CLOSED TO PUBLIC**

An Executive Session was held from 11:08 a.m. to 11:48 a.m.

### **OPEN TO PUBLIC**

#### **Results of Executive Session**

##### Results of Stipulation

Jennifer A. Gilchrist – Approved  
Casey C. Williams – Approved  
Micah W. Pearson – Approved  
Steven G. Harrington – Approved  
William A. Ford – Approved  
Lindsay Nicole Case – Approved  
Catherine Ockey – Approved

Michael Sorenson and Melissa Bennion will be notified of the Commission's decision.

A motion was made and seconded to adjourn the meeting. Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Perry, yes. The motion carries. The meeting adjourned at 11:48 a.m.